



298522

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 01 C 50457
)	
GLEN EKBERG,)	HON. PHILIP G. REINHARD
)	MAG. J. MAHONEY
Defendant.)	
_____)	

DECLARATION OF RUSSELL HART

I, Russell Hart, hereby make the following declaration in connection with the United States' motion for partial summary judgment in this case.

1. I am employed by the United States Environmental Protection Agency (EPA) as Remedial Project Manager (RPM) for the Superfund Division, Region V, Chicago, Illinois. I have been employed in this capacity from November 1984 to the present.

2. The Superfund Division, among other things, has responsibility for managing and conducting EPA activities for response and enforcement under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (as amended) (Superfund or CERCLA), 42 U.S.C. §§ 9601-9675 throughout Region V that includes the states of Illinois, Michigan, Ohio, Indiana, Minnesota and Wisconsin. My responsibilities include implementing certain provisions of CERCLA, and the National Contingency Plan (NCP), 40 C.F.R. Part 300, which is EPA's implementing regulation under CERCLA, at sites to which I am assigned. The Southeast Rockford, Illinois Groundwater Contamination Site, Rockford, Illinois, and its associated source areas, including Source Area 7 (SERGWC Site), is one such site. Part of my responsibilities as RPM include overseeing and coordinating Superfund remedial investigation, design and construction activities with the Illinois Environmental Protection Agency (Illinois EPA) under terms of a Cooperative Agreement between the Agencies. My other responsibilities include review of Site documents, oversight of response activities conducted by Illinois EPA, and remedial and enforcement related work at the SERGWC Site.

3. This Declaration is based on my personal knowledge and experience gained from my professional work at EPA, and on my review of the records, reports, data compilations and other information contained in EPA's files, including those provided by Illinois EPA to EPA under authority of CERCLA and the NCP, relating to the SERGWC Site and associated source areas. Such records, reports, data compilations and other information are

produced by EPA and its contractors, and Illinois EPA and its contractors in conducting response work under the statute. Many of these records are produced and compiled as the Administrative Record for the SERGWC Site and associated areas, including Source Area 7.

4. In the course of my work at EPA, I have become familiar with the files maintained by EPA in the regular course of EPA's business, and as required by law, in connection with response and enforcement actions under various federal environmental laws and regulations, including CERCLA and the NCP. These records are maintained by EPA in the regular course of EPA's business, and contain matters, observed under a duty imposed by law, about which there is a duty to report, or constitute factual findings resulting from investigations under authority of the above-referenced statute and regulations. Additionally, these records are made at or near the time of the investigations and other events to which they relate, by people with knowledge of the facts, or from information transmitted by people with knowledge of the facts.

5. As the EPA employee assigned to implement the requirements of CERCLA and the NCP at the SERGWC Site and associated source areas, and the person responsible for collecting, reviewing and analyzing data, records and information relating to this Site and its source areas, I am specifically familiar with EPA's and Illinois EPA's records relating to the SERGWC Site and Source Area 7.

6. These records include remedial investigations reports, data compilations, survey reports, feasibility study reports, and Records of Decision selecting response actions that are produced by EPA and the Illinois EPA under requirements of CERCLA and the NCP in investigating and selecting response actions at the SERGWC Site and associated source areas, including Source Area 7.

7. Among these records are those that constitute the Administrative Record for the SERGWC Site and associated source areas, including Source Area 7, under CERCLA and the NCP. In a Declaration filed with the Court in this case on May 13, 2004, I certified documents on behalf of EPA attached to an accompanying declaration by Janet Pfundheller, EPA's records custodian that constitute the Administrative Record for selection of response actions at the SERGWC Site and associated source areas, including Source Area 7. These documents were provided in a CD special collection #3618 provided to the Court at the same time.

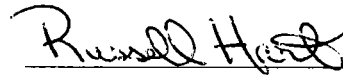
8. The Administrative Record for the SERGWC Site and associated source areas, including Source Area 7 includes, but is not limited to the following records. For convenience, I have tabulated the document Bates number ranges for these documents:

- | | | |
|----|---|--------------------|
| a) | 1991 Remedial Investigation (Phase I) | EPA_AR 01963-02587 |
| b) | 1991 Record of Decision | EPA_AR 01915-01959 |
| c) | 1992 Soil and Gas Geophysical Investigation | EPA_AR 02589-02668 |

- d) Source Area 7 Ground-Penetrating Radar Survey EPA_AR 02618-02640
- e) 1995 Remedial Investigation EPA_AR 08713-09761
- f) 1995 Record of Decision EPA_AR 05776-05834
- g) Source Control Operable Unit (SCOU)
Remedial Investigation or
2000 Remedial Investigation EPA_AR 06534-06891
- h) Source Control Operable Unit (SCOU)
Record of Decision EPA_AR 09987-10173
- i) 2003 Five Year Review Report EPA_AR 10472-10550

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 6, 2005
Chicago, IL



Russell Hart
Remedial Project Manager
Superfund Division
U.S. Environmental Protection Agency
Region V